

COPY

Bruce B. Brunda (SBN 108,898)
Lowell Anderson (SBN 105323)
Shunsuke S. Sumitani (SBN 241056)
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, California 92656
Tel: (949) 855-1246
Fax: (949) 855-6371
Email: litigate@stetinalaw.com

Attorneys for Plaintiff
INNOVA ELECTRONICS CORPORATION

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

INNOVA ELECTRONICS CORP.,
a Nevada corporation,

Plaintiff,

v.

MAC TOOLS, INC., an Ohio corporation, and
DOES 1-10, inclusive,

Defendants.

CASE NO.: CV11-06232 GAF (SHx)

- (1) FALSE ADVERTISING IN VIOLATION OF THE LANHAM ACT;
- (2) CALIFORNIA STATUTORY UNFAIR COMPETITION;

DEMAND FOR JURY TRIAL

Plaintiff Innova Electronics Corp. (hereinafter "Innova" or "Plaintiff") hereby avers as follows:

Jurisdiction

1. Federal jurisdiction over the false advertising claim under 15 U.S.C. § 1125(a) exists under 15 U.S.C. § 1338(a), and on the related state law claim of unfair

STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CALIFORNIA 92656
PHONE: (949) 855-1246; FACSIMILE: (949) 855-6371

2011 JUL 28 PM 12:13
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA, CA

FILED

1 competition under 28 U.S.C. § 1338 (b) and 1367. Venue is proper under 28 U.S.C. §
 2 1391 b & c, as the defendants reside in this judicial district, have committed the acts
 3 complained of in this judicial district and/or have directed injurious acts at Innova in
 4 this judicial district.

5 **Parties**

6 2. Innova is a Nevada corporation having its principal place of business in this
 7 judicial district, in Fountain Valley, California.

8 3. Innova is informed and believes and thereon alleges that Defendant Mac Tools,
 9 Inc. ("Mac Tools") is a corporation organized and existing under the laws of the State
 10 of Ohio, having a principal place of business at 505 N. Cleveland Avenue, Suite 200,
 11 Westerville, Ohio 43082.

12 4. Innova is informed and believes that Defendant Mac Tools is owned by a
 13 company known as Stanley Tools, which has merged with Black & Decker, Inc., now
 14 known as Stanley Black & Decker, Inc.

15 5. Innova is informed and believes and thereon alleges that Defendant Mac Tools.
 16 has made sales of automotive diagnostic equipment, including but not limited to the
 17 Mac Tools model ET6830, ET1205AN and the ET1505AN scan tools into California,
 18 including this judicial district.

19 6. Innova is unaware of the true names and capacities, whether individual, corporate
 20 or otherwise, of the defendants sued herein as DOES 1 through 10, and therefore sues
 21 these defendants by such fictional names. Innova will amend this Complaint to state
 22 the true names and capacities of such fictitiously named defendants when ascertained.
 23 Innova is informed and believes, and thereon alleges, that each of such fictitiously
 24 named defendants is in some manner connected with and/or participated in the matters
 25 alleged herein and is liable to Innova therefore. In this pleading, any reference to
 26 "Defendant," "Defendants," or "Mac Tools" shall be deemed a reference to include
 27 each of the Does 1-10.

28 7. Innova is informed and believes, and thereon alleges, that each of the Defendants

1 committed tortuous acts, as alleged more fully below, with the intent to injure Innova
2 within the Central District of California.

3 **Allegations For All Causes of Action**

4 8. Innova manufactures and sells automotive diagnostic products, among other
5 products. Innova markets its products locally, nationally, and internationally to a wide
6 variety of businesses. Innova has invested substantial effort and incurred significant
7 expense in designing, marketing and promoting its products. Automotive diagnostic
8 products marketed by Innova include the Innova model 3130 and 3160 scan tools.

9 9. Defendant Mac Tools sells automotive diagnostic products, including scan tools
10 that compete with the Innova model 3130 and 3160 scan tools.

11 10. Attached as **Exhibit 1** is a copy of promotional materials identified as "Mac
12 Tools Diagnostic 2011" (hereinafter the "Mac Tools promotional materials").

13 11. On information and belief, the Mac Tools promotional materials were prepared
14 by or for Defendant Mac Tools.

15 12. The Mac Tools promotional materials include product comparison charts which
16 compare diagnostic products marketed by Mac Tools to diagnostic products marketed
17 by Innova and others.

18 13. The product comparison charts include representations respecting the features of
19 Innova diagnostic products, including the Innova model 3130 and 3160 scan tools.

20 14. The representations respecting features of the Innova model 3130 and 3160
21 products, contained in the product comparison charts, include representations that are
22 literally false.

23 15. The product comparison charts, contained in the Mac Tools promotional
24 materials, include representations respecting the Innova model 3130 and 3160 scan
25 tools that are misleading.

26 16. The Mac Tools promotional materials have been publicly distributed by Mac
27 Tools in commerce in the United States and in this judicial district.

28 17. The Mac Tools promotional materials have been sent by email to persons

STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CALIFORNIA 92656
PHONE: (949) 855-1248; FACSIMILE: (949) 855-6371

1 unaffiliated with Mac Tools.

2 18. On information and belief the Mac Tools promotional materials have been sent to
3 existing or potential customers of automotive scan tools.

4 19. On information and belief the existing or potential customers of automotive scan
5 tools that have received the Mac Tools promotional materials include existing or
6 potential customers of scan tools marketed by Innova.

7 20. The false and misleading statements contained in the Mac Tools promotional
8 materials include injurious statements concerning products of Innova.

9 21. On or about April 11, 2011, counsel for Innova advised Mac Tools that the Mac
10 Tools promotional materials included false and misleading statements regarding the
11 products of Innova and others. A copy of that correspondence is submitted herewith as
12 **Exhibit 2**.

13 22. On or about April 27, 2011, counsel for Stanley Black & Decker, Inc. / Mac
14 Tools responded to Innova's correspondence concerning the Mac Tools promotional
15 material. A copy of that responsive correspondence is submitted herewith as **Exhibit 3**.

16 23. In the correspondence of April 27, 2011, counsel for Stanley Black & Decker,
17 Inc. / Mac Tools falsely represented that the Mac Tools promotional materials were
18 "never distributed", when in fact the Mac Tools promotional materials were
19 intentionally distributed by email to persons outside of Mac Tools, including but not
20 limited to David Rich, an employee of Innova.

21 24. A copy of an email transmittal from Lee Hardbarger
22 (LHardbarger@stanleyworks.com) to David Rich, dated March 17, 2011, to which the
23 Mac Tools promotional materials were attached, is submitted herewith as **Exhibit 4**.
24 On information and belief, Mr. Hardbarger is an employee of Stanley Black and
25 Decker, Inc. or Mac Tools.

26 25. A copy of correspondence from Innova's counsel to counsel for Stanley Black &
27 Decker, Inc. / Mac Tools dated April 29, 2011, is attached hereto as **Exhibit 5**. That
28 correspondence requests a copy of amended Mac Tools promotional materials, and

1 identification of individuals to whom the Mac Tools promotional materials had been
2 distributed.

3 26. A copy of an email transmittal from Charles Upton
4 (CUpton@stanleyworks.com) to David Rich, dated April 29, 2011, is attached hereto as
5 **Exhibit 6**. Attached to the email of Exhibit 6 is the same Mac Tools promotional
6 material previously provided in Exhibits 1, 2 and 4. On information and belief, Mr.
7 Upton is employed by Stanley Black & Decker, Inc., Mac Tools, or an affiliate thereof.

8 27. A copy of an email transmittal from Gregory Schick
9 (Gregory.Schick@sbdinc.com) to David Rich's home email account
10 (MAR.DSR2@YAHOO.COM) dated July 6, 2011 is attached hereto as **Exhibit 7**.

11 Attached to the email of Exhibit 6 is the same Mac Tools promotional materials
12 previously provided in Exhibits 1, 2, 4 and 6. On information and belief, Mr. Schick is
13 employed by Stanley Black and Decker, Inc., or Mac Tools.

14 28. On information and belief, the Mac Tools promotional materials of Exhibit 1
15 were also distributed by Stanley Black and Decker, Inc., Mac Tools, or an affiliate
16 thereof, at the 2011 Mac Tools Dealer Show held at Las Vegas, Nevada in February,
17 2011.

18 29. To date, Mac Tools has failed to provide Innova with an identification of any
19 individuals to whom the Mac Tools promotional materials were distributed. As a result,
20 Innova is unable to take any steps to correct any misimpressions that the Mac Tools
21 promotional materials may have caused regarding the products of Innova.

22 **First Cause Of Action**

23 **(False Advertising in Violation of the Lanham Act)**

24 30. This is a claim for false advertising under 15 U.S.C. § 1125(a).

25 31. Innova repeats and re-alleges the allegations in paragraphs 1 through 29 as set
26 forth fully herein.

27 32. The content of the Mac Tools promotional materials, Defendant Mac Tools,
28 falsely represents and advertises the nature, characteristics, qualities and/or features of

1 Innova scan tools in interstate commerce.

2 33. The product comparison sheets included in the Mac Tools promotional materials
3 misrepresents the nature, characteristics, qualities and/or features of Innova model 3130
4 and 3160 scan tools.

5 34. The publication of false and misleading descriptions and representations of fact
6 concerning Innova scan tools in the Mac Tool promotional is likely to deceive
7 consumers, and influence purchasing decisions in the marketplace.

8 35. On information and belief, as a direct and proximate result of Mac Tools' false
9 and misleading advertising, sales of scan tools have been diverted from Innova to Mac
10 Tools and the goodwill which Innova enjoys with the purchasing public has been
11 lessened.

12 36. Mac Tools' conduct constitutes a false advertising in violation of Section 43(a) of
13 the Lahnam Act (15 U.S.C. §1125(a)).

14 37. Mac Tools' conduct in engaging in such false advertising has been willful, with
15 intent to injure the business of Innova.

16 38. As a direct and proximate result of Mac Tools' false advertising, Innova has been
17 injured and will continue to suffer irreparable injury to its business and reputation
18 unless Mac Tools is restrained by this Court from further engaging in such conduct.

19 39. By the aforesaid acts of false advertising, Mac Tools has made profits to which it
20 is not lawfully entitled.

21 40. Innova has no adequate remedy at law, and is entitled to injunctive relief
22 pursuant to 15 U.S. C. §1116(d).

23 41. As remedies for the aforesaid acts of false advertising, Innova is entitled to
24 recover its actual damages and Mac Tools' profits pursuant to 15 U.S.C. §1117(a);
25 treble damages pursuant to 15 U.S.C. §1117(a); and attorneys' fees and costs pursuant
26 to 15 U.S.C. §1117(a).

Second Cause Of Action

(Statutory Unfair Competition Under California Law)

42. This is a claim for statutory unfair competition under Cal. Bus. & Prof. Code § 17200.

43. The allegations of paragraphs 1-41 are incorporated herein by reference.

44. The conduct of Defendant Mac Tools in publishing literally false and misleading statements concerning the Innova scan tools constitutes unfair, unlawful and/or unjust conduct

45. The aforementioned conduct of Mac Tools constitutes unfair competition in violation of Cal. Bus. & Prof. Code § 17200.

46. By the aforesaid acts of unfair competition Innova has been irreparably injured as a result of such unfair competition, and such irreparable injury will continue unless and until Mac Tools' conduct is enjoined by this Court.

Requested Relief

WHEREFORE, Innova prays that this court adjudge and declare:

1. That this court has jurisdiction over the parties and the subject matter of this action.

2. That Defendant Mac Tools, Inc. and Does 1-10 be adjudged to have willfully violated 15 U.S.C. § 1125(a) by making false and/or misleading representations in advertising.

3. That Defendant Mac Tools, Inc. and Does 1-10 be adjudged to have committed unfair competition in violation of Cal. Bus. & Prof. Code § 17200.

4. That Defendant Mac Tools, Inc. and Does 1-10, their respective employees, agents, officers, directors, shareholders, principals, partners, predecessors, successors, assigns, representatives, affiliates and subsidiaries, and all others acting in concert or participation with them who receive actual notice thereof, be preliminarily and permanently enjoined from:

a. Further engaging in false advertising by distributing or publishing the

STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CALIFORNIA 92656
PHONE: (949) 855-1246; FACSIMILE: (949) 855-6371

1 Mac Tools promotional materials or any other materials containing false or
2 misleading representations regarding any Innova scan tools;

3 b. Unfairly competing with Innova through the use of false and/or
4 misleading statements regarding Innova scan tools, including distributing any
5 false and/or misleading portions of the product comparison sheet;

6 c. Urging others to distribute any false or misleading information regarding
7 Innova scan tools, including further distribution of the Mac Tools promotional
8 materials and the statements therein regarding Innova scan tools;

9 d. That Defendant Mac Tools, Inc. and Does 1-10 be ordered to identify
10 and contact each person that was sent any version of the Mac Tools promotional
11 materials or other document and retrieve and destroy all such materials.

12 6. That Defendant Mac Tools, Inc. and Does 1-10 be ordered to distribute
13 corrective advertising to all persons that accessed, received or otherwise were exposed
14 to the false and misleading representations, the corrective advertising being prepared by
15 Innova;

16 7. That Defendant Mac Tools, Inc. and Does 1-10 be directed to file with this
17 Court and serve on Innova within thirty (30) days after the service of the injunction, a
18 report in writing, under oath, setting forth in detail the manner and form in which each
19 Defendant has complied with the injunction.

20 8. That Defendant Mac Tools, Inc. and Does 1-10 be required to account to
21 Innova for any and all profits arising from their false and misleading representations;

22 9. That Innova be awarded damages to compensate for the wrongful actions of
23 Defendant Mac Tools and to remove any unjust enrichment Mac Tools arising from
24 false and misleading representations, and that such damages and unjust enrichment be
25 trebled as permitted by law.

26 10. That Defendant Mac Tools, Inc. and Does 1-10 pay Innova's attorney's fees
27 and the costs and expenses of this action.

28

1 11. That such other and further relief be granted as the Court may deem just and
2 proper.

3
4 Dated: July 26, 2011

STETINA BRUNDA GARRED & BRUCKER

5
6 By: Bruce B. Brunda

Bruce B. Brunda

Lowell Anderson

Attorneys for Plaintiff

Innova Electronics Corp.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CALIFORNIA 92656
PHONE: (949) 855-1246; FACSIMILE: (949) 855-6371

DEMAND FOR JURY TRIAL

Plaintiff, Innova Electronics Corp. hereby demands a jury trial in this action.

Dated: July 26, 2011

STETINA BRUNDA GARRED & BRUCKER

By: 

Bruce B. Brunda
Lowell Anderson
Attorneys for Plaintiff
Innova Electronics Corp.

STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CALIFORNIA 92656
PHONE: (949) 855-1246; FACSIMILE: (949) 855-6371

T:\Client Documents\EQUUS\248LA\Complaint.doc

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Gary A. Feess and the assigned discovery Magistrate Judge is Stephen J. Hillman.

The case number on all documents filed with the Court should read as follows:

CV11-6232 GAF (SHx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Bruce B. Brunda (SBN 108,898)
Lowell Anderson (SBN 105323)
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, California 92656
Tel: (949) 855-1246 / litigate@stetinalaw.com

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

INNOVA ELECTRONICS CORP.,
a Nevada corporation

PLAINTIFF(S)

v.

MAC TOOLS, INC., an Ohio corporation, and DOES
1-10, inclusive

DEFENDANT(S).

CASE NUMBER

CV11-06232 GAF (SHx)

SUMMONS

TO: DEFENDANT(S): _____

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Bruce B. Brunda/Lowell Anderson, whose address is 75 Enterprise, Suite 250, Aliso Viejo, CA 92656. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

JUL 28 2011

Dated: _____

Clerk, U.S. District Court

AMY DeAVILA
7/28/11

By: _____

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) INNOVA ELECTRONICS CORP., a Nevada corporation	DEFENDANTS MAC TOOLS, INC., an Ohio corporation, and DOES 1-10, inclusive
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Bruce B. Brunda (SBN 108,898) / Lowell Anderson (SBN 105323) STETINA BRUNDA GARRED & BRUCKER 75 Enterprise, Suite 250, Aliso Viejo, CA 92656 / 949-855-1246	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%"><tr><td style="width:33%; vertical-align: top;">Citizen of This State</td><td style="width:33%; vertical-align: top;">PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1</td><td style="width:33%; vertical-align: top;">Incorporated or Principal Place of Business in this State</td><td style="width:33%; vertical-align: top;">PTF DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4</td></tr><tr><td style="vertical-align: top;">Citizen of Another State</td><td style="vertical-align: top;"><input type="checkbox"/> 2 <input type="checkbox"/> 2</td><td style="vertical-align: top;">Incorporated and Principal Place of Business in Another State</td><td style="vertical-align: top;"><input type="checkbox"/> 5 <input type="checkbox"/> 5</td></tr><tr><td style="vertical-align: top;">Citizen or Subject of a Foreign Country</td><td style="vertical-align: top;"><input type="checkbox"/> 3 <input type="checkbox"/> 3</td><td style="vertical-align: top;">Foreign Nation</td><td style="vertical-align: top;"><input type="checkbox"/> 6 <input type="checkbox"/> 6</td></tr></table>	Citizen of This State	PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6
Citizen of This State	PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4										
Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5										
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6										

IV. ORIGIN (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
--

V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.) CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No MONEY DEMANDED IN COMPLAINT: \$ Proof at Trial
--

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) False advertising claim under 15 U.S.C. § 1125(a) exists under 15 U.S.C. § 1338(a); Unfair competition under 28 U.S.C. § 1338 (b) and 1367

VII. NATURE OF SUIT (Place an X in one box only.)					
OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	MAC TOOLS, INC., Ohio

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County and throughout the United States	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):

[Handwritten Signature]

Date

July 27, 2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))